

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 12, 2014

Members Present: Norman A. Hills, Vice Chairman
Joel D. Hartley, Treasurer (arrived at 7:07 PM)
Jeffrey J. Doubrava, Member
Cynthia C. Trinidad, Associate

Members Absent: Lawrence B. Dorman, Chairman
Stephen C. Gonsalves, Clerk
Wendy L. Carreau, Associate

Secretary: Diane R. Drake

Others Present: Michael Silva (MJS Architecture) Shawn Syde and Magdalena Lofstedt (CDM Smith), Matthew Baltz, William Bachant (Bachant Builders), and David Davignon (N. Douglas Schneider & Associates).

Meeting convened at 7:00 PM Wednesday, February 12, 2014 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, February 8, 2014 by N. Hills, J. Hartley, S. Gonsalves, J. Doubrava and C. Trinidad. This meeting was audio recorded by Town of Marion staff.

7:00 PM **MARSHALL and WILMA BAILEY**, 41 Dexter Road - Request for Determination of Applicability (File No. 41D-1527) to construct a 12' x 20' addition on sono tubes on the south side of the dwelling, and relocate the propane tank and two sheds. Mr. and Mrs. Bailey were represented by their engineer, David Davignon of N. Douglas Schneider and Associates, and architect, Michael Silva of MJS Architecture. D. Davignon described the project. The addition will be on a sono tube foundation to match the existing floor, and the work will take place in the lawn area. A siltation fence will be installed. The Bordering Vegetated Wetland line was flagged by Thomas Lovett in early December 2013. Michael Silva described the architectural work. N. Hills said the work is partially in a Velocity Flood Zone and is also in the River Protection District, and he does not remember a filing for the new sheds which are just sitting on blocks and could be washed away. He would prefer a Notice of Intent to be submitted for this work. C. Trinidad agreed with N. Hills. D. Davignon said a 1997 plan to upgrade the septic system showed the shed with a deck. He explained that the deck has been enclosed, making it look like there are two sheds, but it is not new and was not large enough to require a building permit. D. Davignon said the addition is a simple flood plain project, but cannot proceed until the sheds and propane tank are moved out of the way, and that will require a Zoning Board of Appeals hearing which will take a month or more to happen. In the meantime Kate Mahoney is constructing a new dwelling across the street from the Baileys, and her contractor has been hired to construct this addition as soon as possible. D. Davignon suggested the Commission issue a Negative Determination for the addition and a

Positive Determination to temporarily place the sheds in the VE zone. He said the Baileys would like to rebuild their pier, and he could include permanent locations for the sheds and tank in that Notice of Intent. An appraisal for the house (\$70,743.00), and a cost breakdown for the addition (\$38,750.00) were reviewed. N. Hills said the cost for improvements is slightly over the 50% Rule limit; D. Davignon said the 50% Rule falls under FEMA's guidelines which is under the Building Commissioner's jurisdiction. D. Davignon said the Baileys brought the cost breakdown to the Building Commissioner for confirmation before going forward with the plans. D. Davignon said the sheds will be anchored, probably with sono tubes. J. Hartley said he thought the work could be approved under a Determination. J. Hartley moved to close the hearing; C. Trinidad seconded; voted unanimously.

7:37 PM **CDM SMITH** – Appointment for discussion regarding a proposed pavement management plan for River Road and portions of Front Street, Point Road and Cross Neck Road. Magdalena Lofstedt and Shawn Syde of CDM Smith were present. M. Lofstedt said Pleasant Street is also included, but is not in the Conservation Commission's jurisdiction. She said the original project was to file a Notice of Intent to reconstruct River Road, but Department of Public Works Superintendent Robert Zora would prefer a "blanket" permit to maintain these additional roads and streets. S. Syde described the different ways the roadways will be treated. River Road will be repaired by the Department of Public Works, and will be finished to road standards by the contractor for the proposed three-lot subdivision. M. Lofstedt said all work will take place within the roadway layout, and the wetlands can be located using the Mass. G.I.S. maps. Siltation fencing will be specified where reconstruction and cold planing are proposed. N. Hills would like the different types of treatments to be color coded and shown on the site map. M. Lofstedt said more than 100 abutters will need to be notified of the Notice of Intent hearing, at a cost of \$6.48 each for certified mail, return receipt requested. She would prefer to run a general announcement legal advertisement.

8:05 PM **MATTHEW and LISA BALTZ**, 114 Allens Point Road – request for a full Certificate of Compliance to construct a dwelling, a septic system, a driveway, and replicate wetlands (File No. SE 041-1110). Matthew Baltz was present to answer any questions the Commissioners might have. N. Hills said the engineer had described several deviations to the plans, but nothing that should hold up issuance of the Certificate. M. Baltz said the replication portion of the Order requires two growing seasons, not two years, and spring and fall are each considered a growing season. N. Hills asked M. Baltz if a two-year progress report of the replication had been issued; M. Baltz said he thought the request for the Certificate of Compliance included the size and condition of the replication, but it was not included. N. Hills said the Commissioners visited the site several times and reviewed the replication. N. Hills said a full Certificate of Compliance can be issued now as long as a wetland report or statement is going to be submitted. N. Hills moved to issue a full Certificate of Compliance with continuing conditions that: (1) a permanent fence or line of boulders shall be maintained where the hay bale line is shown on the Plan of Record to delineate a 15' minimum no-disturb zone to the wetlands; and (2) road salt or other deicing chemicals shall not be used on the driveway and turn-around. J. Doubrava seconded the motion; voted unanimously.

JOHN H. CURRY, 15 Giffords Corner Road - request for a full Certificate of Compliance to reconstruct a dwelling and install a septic system (File No. SE 041-1094). Bill Bachant bought the property from John Curry and performed the work. The property has now been sold to a third party.

N. Hills moved to issue a full Certificate of Compliance with a continuing condition that a permanent stone wall or fence shall be maintained a minimum of 15' upland of the wetland line shown on the plan; J. Doubrava seconded the motion; voted unanimously.

TYPEWRITER – J. Hartley moved to approve payment of \$95.00 to All Cape Business Machines for a yearly service and maintenance agreement for the Conservation Commission's 1993 typewriter; N. Hills seconded; voted unanimously.

MINUTES – N. Hills moved to accept the January 8, 2014 minutes as written; J. Hartley seconded; voted unanimously. N. Hills moved to accept the January 22, 2014 minutes as written; C. Trinidad seconded; voted unanimously.

LUBA D. BILENTSCHUK, Ridgewood Lane. N. Hills said he spoke with Ms. Bilentschuk's engineer, William F. Madden of G.A.F. Engineering, regarding placing a conservation restriction on over eight acres of wetlands at the end of Ridgewood Lane. The question is who will the holder of the C.R. be? The Sippican Lands Trust owns adjoining property. Should the Open Space Acquisition Commission be the holder instead of the Conservation Commission? N. Hills will speak with the Sippican Lands Trust to see if they would be interested in it.

MARSHALL and WILMA BAILEY - to construct a 12' x 20' addition on sono tubes on the south side of the dwelling, and relocate the propane tank and two sheds (File No. 41D-1527). N. Hills moved to issue a Conditional Negative Determination for Box #2 (flood plain) and Box #3 (buffer zone to wetlands) with conditions that the sheds shall be temporarily stored outside the Velocity Zone, and a Notice of Intent filing will be submitted for their permanent placement; J. Doubrava seconded; voted unanimously.

Meeting adjourned at 8:45 PM.

Diane R. Drake, Secretary

Approved February 26, 2014